

**SAN ANTONIO ZONING COMMISSION
OFFICIAL MINUTES
May 19, 2009**

1. The Zoning Commission of the City of San Antonio met in the 1st Floor, Board Room of the Cliff Morton Development and Business Services Center at 1901 S. Alamo.

1:00 PM – Public Hearing

2. Roll Call.

PRESENT: Gadberry, McFarland, Westheimer, Hawkins, Wright, Martinez, R. Valadez, Gray

ABSENT: J. Valadez, Myers

3. Approval of May 5, 2009 Zoning Commission Minutes.

COMBINED HEARING:

Commissioner Wright made a motion to approve the following rezoning cases with conditions and amendments as staff has recommended. Additionally, no citizens have signed to speak in opposition on the said cases: items 10, 11 and 14. The motion was seconded by Commissioner R. Valadez.

4. **ZONING CASE NUMBER Z2009092 (Council District 10):** A request for a change in zoning from "C-3" General Commercial District to "I-1" General Industrial District on a 0.472 acre tract of land out of Lot 9, Block 1, NCB 17210, 12200 Bulverde Road. Staff recommends approval

Staff stated there were 9 notices mailed out to the surrounding property owners, 0 returned in opposition and 3 and no response from Oak Grove Estates Neighborhood Association.

COMMISSION ACTION

The motion was made by Commissioner Wright and seconded by Commissioner R. Valadez to recommend approval.

AYES: Gadberry, McFarland, Westheimer, Hawkins, Wright, R. Valadez, Gray

NAY: None

RECUSED: Martinez

THE MOTION CARRIED

5. ZONING CASE NUMBER Z2009093 CD (Council District 10): A request for a change in zoning from "I-1" General Industrial District to "C-3NA CD" General Commercial District, Nonalcoholic Sales with a Conditional Use for warehousing on Lot 52, Block 7, NCB 15930 save and except that portion of 3.122 acres out of NCB 15724 located within Lot 52, 12200 Crownpoint. Staff recommends approval.

Commissioner McFarland read the following conditions:

1. No deliveries after 6:00 pm.
2. Six-foot fence be maintained between the school and the adjoining residences.
3. Any trash/dumpsters shall be located at the southeast side of the building.
4. No sexually oriented business as defined by the City of San Antonio Unified Development Code shall be permitted on the subject property.
5. No school building shall be located within 50 feet of the adjoining residential properties.

Patrick Christensen, representative stated he is agreeable with conditions as presented.

Staff stated there were 29 notices mailed out to the surrounding property owners, 0 returned in opposition and 1 returned in favor.

COMMISSION ACTION

The motion was made by Commissioner Wright and seconded by Commissioner R. Valadez to recommend approval.

AYES: Gadberry, McFarland, Westheimer, Hawkins, Wright, R. Valadez, Gray

NAY: None

RECUSED: Martinez

THE MOTION CARRIED

6. ZONING CASE NUMBER Z2009096 (Council District 7): A request for a change in zoning from "C-3" General Commercial District, "C-3NA" General Commercial Nonalcoholic Sales District and "MF-33" Multi-Family District to "C-3" General Commercial District on Lot 3, Block 2, NCB 17120, 5055 NW Loop 410. Staff recommends approval.

Staff stated there were 14 notices mailed out to the surrounding property owners, 0 returned in opposition and 8 returned in favor.

COMMISSION ACTION

The motion was made by Commissioner Wright and seconded by Commissioner R. Valadez to recommend approval.

AYES: Gadberry, McFarland, Westheimer, Hawkins, Wright, R. Valadez, Gray

NAY: None

RECUSED: Martinez

THE MOTION CARRIED

INDIVIDUAL CONSIDERATION:

7. ZONING CASE NUMBER Z2008180 (Council District 8): A request for a change in zoning from "C-2 MLOD-1" Commercial, Camp Bullis Military Lighting Overlay District, "C-2 GC-1 MLOD-1" Commercial Hill Country Gateway Corridor Overlay, Camp Bullis Military Lighting Overlay District, "C-3 MLOD-1" General Commercial Camp Bullis Military Lighting Overlay District and "C-3 GC-1 MLOD-1" General Commercial Hill Country Gateway Corridor Overlay, Camp Bullis Military Lighting Overlay District to "MPCD MLOD-1" Master Planned Community District, Camp Bullis Military Lighting Overlay District and "MPCD GC-1 MLOD-1" Master Planned Community District Hill Country Gateway Corridor Overlay Camp Bullis Military Lighting Overlay District on 89.367 acres out of Lot 5, Block 1, NCB 14858, in the 15000 Block of Interstate Highway 10, the 5000 Block of Loop 1604 West, the 5400 Block of Presidio Parkway and the 15700 Block of Vance Jackson Road. Staff recommends approval.

Lucy Peveto, representative, stated the purpose of this request is to allow for mixed-use development on the subject property.

The following citizen(s) appeared to speak:

Rob Killen, stated there is a provision of open space, both on site and off site so the 5.33 acres is the on site. He stated the portion that is over the Edward Recharge Zone is out of the zoning change request.

Coy Armstrong, stated 4.97 acres of open space that is outside of the "MPCD" (Master Planned Community District) site area, which they are asking credit for and in addition to the 4.97 acres, they will be providing additional 5.33 acre within the limits of the size of the open space.

Marcos Moreno, briefed commission on this project. He stated as the project develops they would provide open space as required by the Unified Development Code.

Sandy Jenkins, Parks & Recreation Department, stated they have asked the applicant to show conception ally what open space would be dedicated per phase but that has not been provided. She stated the applicant has indicated that they would provide courtyard, waterfalls and various types of amenities in each phase.

Staff stated there were 8 notices mailed out to the surrounding property owners, 0 returned in opposition and 2 returned in favor.

COMMISSION ACTION

The motion was made by Commissioner R. Valadez and seconded by Commissioner Gray to recommend approval with the total park space/open space be a total of 5.33 acres.

Commissioner R. Valadez withdrew his motion and Commissioner Gray accepted.

Commissioner R. Valadez made a motion for a continuance until June 2, 2009 and was seconded by Commissioner Hawkins.

AYES: Gadberry, McFarland, Westheimer, Hawkins, Wright, Martinez, R. Valadez, Gray

NAY: None

THE MOTION CARRIED

8. ZONING CASE NUMBER Z2009063 (Council District 8): A request for a change in zoning from "R-6" Residential Single-Family District to "C-2" Commercial District on 1.556 acres out of NCB 14702, 9545 Huebner Road. Staff recommends approval.

Andy Guerrero, representative, stated the purpose of this request is to allow for a medical office building. He stated he has been working with Sue Snyder of Oakland Neighborhood Association regarding deed restrictions.

The following citizen(s) appeared to speak:

Sue Snyder, representing Oakland Estate Neighborhood Association, stated they are in support of this request and as stated by Mr. Guerrero they will continue meeting to work on deed restrictions.

Staff stated there were 18 notices mailed out to the surrounding property owners, 0 returned in opposition and 1 returned in favor and no response from Oakland Estate Neighborhood Association. Staff mailed 12 notices to the Planning Team.

COMMISSION ACTION

The motion was made by Commissioner R. Valadez and seconded by Commissioner Wright to recommend approval of "C-2" and that the representative would continue to work with Oakland Estates Neighborhood Association regarding deed restrictions.

AYES: Gadberry, McFarland, Hawkins, Wright, Martinez, R. Valadez, Gray

NAY: None

THE MOTION CARRIED

9. ZONING CASE NUMBER Z2009088 (Council District 8): A request for a change in zoning from "R-6 MLOD-1" Residential Single-Family Camp Bullis Military Lighting Overlay District 1 and "R-6 GC-1 MLOD-1" Residential Single-Family Hill Country Gateway Corridor Overlay Camp Bullis Military Lighting Overlay District 1 to "C-3 MLOD-1" General Commercial Camp Bullis Military Lighting Overlay District 1 and "C-3 GC-1 MLOD-1" General Commercial Hill Country Gateway Corridor Overlay Camp Bullis Military Lighting Overlay District 1 on 3.584 acres out of NCB 34761 and 0.29 of an acre out of NCB 34780 and 0.104 of an acre out of CB 4761, 6194 Old Camp Bullis Road. Staff recommends denial of "C-3" with an alternate recommendation of "C-2".

Lucy Peveto, representative, stated they would like to request a continuance to continue working on a site plan.

The following citizen(s) appeared to speak:

Daniel Ortiz, representing 3 property owners around the proposed area. He stated they have not met with the representative therefore, he would like to request a 30 day continuance be granted.

Staff stated there were 11 notices mailed out to the surrounding property owners, 1 returned in opposition and 1 returned in favor.

COMMISSION ACTION

The motion was made by Commissioner R. Valadez and seconded by Commissioner Martinez to recommend a continuance until June 2, 2009.

AYES: Gadberry, McFarland, Westheimer, Hawkins, Martinez, R. Valadez, Gray

NAY: None

THE MOTION CARRIED

Commissioner R. Valadez left at 2:04pm.

10. ZONING CASE NUMBER Z2009090 (Council District 6): A request for a change in zoning from "C-3NA" General Commercial Nonalcoholic Sales District, "C-3R" Commercial Restrictive Alcoholic Sales District and "C-3" General Commercial District to "MF-33" Multi-Family District on 8.077 acres out of NCB 18056, 7800 Block of Culebra Road and 7700 Block of Pipers Creek. Staff recommends approval.

Robert Wandrisco, representative, stated the purpose of this request is to allow for the development of an apartment complex on the subject property. He stated he has been in contact with Councilwoman Herrera, Commissioner Martinez and Pipers Creek Neighborhood Association who expressed their support.

The following citizen(s) appeared to speak:

Humberto Hernandez, spoke in opposition.

Michael Loftin, spoke in opposition.

Diana Huczek, spoke in opposition.

Staff stated there were 50 notices mailed out to the surrounding property owners, 0 returned in opposition and 1 returned in favor and no response from Pipers Meadow Neighborhood Association.

COMMISSION ACTION

The motion was made by Commissioner Martinez and seconded by Commissioner Wright to recommend approval.

AYES: Gadberry, McFarland, Hawkins, Wright, Martinez, Gray

NAY: None

THE MOTION CARRIED

11. ZONING CASE NUMBER Z2009094 (Council District 5): A request for a change in zoning from "R-4" Residential Single-Family District and "I-1" General Industrial District to "C-2" Commercial District on Lots 42, 43, 44, 87 and 88, Block 9, NCB 3128 and Lot A-15, NCB 3852, 2701 South Presa Street. Staff recommends approval.

Lucy Peveto, representative, stated she would like to request a two-week continuance to meet with the neighborhood association to address any concerns they may have.

The following citizen(s) appeared to speak:

Candie Beltran, President of Roosevelt Park Neighborhood Association, stated she has contacted Mrs. Peveto to discuss this zoning request.

Staff stated there were 30 notices mailed out to the surrounding property owners, 0 returned in opposition and 1 returned in favor and no response from Roosevelt Park Neighborhood Association. Staff mailed 17 notices to the Planning Team. Staff received a phone call from the neighborhood association stating they would support a "NA" designation.

COMMISSION ACTION

The motion was made by Commissioner Gray and seconded by Commissioner Martinez to recommend a continuance until June 2, 2009.

AYES: Wright, McFarland, Westheimer, Hawkins, Martinez, Gray

NAY: None

THE MOTION CARRIED

12. ZONING CASE NUMBER Z2009095 (Council District 1): A request for a change in zoning from "I-1" General Industrial District to "C-3" General Commercial District on the south 54.9 feet of the north 108.9 feet of Lots 13, 14 and 15, Block 24, NCB 2094, 1506 North Zarzamora. Staff recommends denial.

Rudy Rivas, owner, stated he is requesting this change in zoning to allow for a small auto sales facility on the subject property.

The following citizen(s) appeared to speak:

Marianna Coronado, spoke in opposition.

Roberto Rivas, spoke in favor.

Staff stated there were 46 notices mailed out to the surrounding property owners, 0 returned in opposition and 0 returned in favor and no response from Gardendale Neighborhood Association.

COMMISSION ACTION

The motion was made by Commissioner Westheimer and seconded by Commissioner McFarland to recommend a continuance until June 2, 2009.

AYES: Gadberry, McFarland, Westheimer, Hawkins, Wright, Gray

NAY: None

THE MOTION CARRIED

13. ZONING CASE NUMBER Z2009097 (Council District 2): A request for a change in zoning from "R-5" Residential Single-Family District and "C-3" General Commercial District to "C-3" General Commercial District (15.124 acres) and "MF-33" Multi-Family District (12.116 acres) on 27.24 acres out of NCB 10675, NCB 10677, NCB 13143, and NCB 13144, 3860 IH 10 East. Staff recommends approval.

James Griffin, representative, stated he would like to request a continuance to meet with Eastern Triangle and Cherry Hills Homeowners Association. He stated they would be working on deed restrictions for the property.

The following citizen(s) appeared to speak:

Dan Martinez, Chairman of Eastern Triangle Planning Team, stated they are in support of the request for a continuance.

Staff stated there were 42 notices mailed out to the surrounding property owners, 1 returned in opposition and 1 returned in favor.

COMMISSION ACTION

The motion was made by Commissioner Hawkins and seconded by Commissioner Wright to recommend a continuance until June 2, 2009.

AYES: Gadberry, McFarland, Westheimer, Hawkins, Wright, Martinez, Gray

NAY: None

THE MOTION CARRIED

14. ZONING CASE NUMBER Z2009098 (Council District 2): A request for a change in zoning from "PUD R-6" Planned Unit Development Residential Single Family District to "MF-40" Multi-Family District on 4.281 acres out of Tract 16 and Tract 17, NCB 8694, 6400 Block of North Vandiver Road. Staff recommends denial of "MF-40" with an alternate recommendation of "MF-25".

Patrick Christensen, representative, stated he would like to amend his request to "MF-33". He stated the purpose of this zoning request is to allow for development of an apartment complex.

The following citizen(s) appeared to speak:

Beverly Monestier, spoke in opposition. She stated she collected a petition with 40 signatures expressing opposition.

Roland Polanco, spoke in opposition.

Jim Neil, spoke in opposition.

Julius Knight, spoke in opposition.

Garrett Nikolaus, spoke in opposition.

Craig Blount, spoke in opposition.

Mark Deeds, spoke in opposition.

Staff stated there were 34 notices mailed out to the surrounding property owners, 1 returned in opposition and 1 returned in favor and no response from Wilshire Village Neighborhood Association. Staff mailed 60 notices to the Planning Team.

COMMISSION ACTION

The motion was made by Commissioner Hawkins and seconded by Commissioner Wright to recommend denial.

AYES: McFarland, Hawkins, Wright, Martinez

NAY: Gadberry, Westheimer, Gray

THE MOTION FAILED

COMMISSION ACTION

The motion was made by Commissioner Martinez and seconded by Commissioner Westheimer to recommend approval of "MF-33".

AYES: Gadberry, McFarland, Westheimer, Martinez, Gray

NAY: Hawkins, Wright

THE MOTION FAILED

COMMISSION ACTION

The motion was made by Commissioner Hawkins and seconded by Commissioner Westheimer to recommend a continuance until June 2, 2009.

AYES: Gadberry, McFarland, Westheimer, Hawkins, Wright, Martinez, Gray

NAY: None

THE MOTION CARRIED

15. ZONING CASE NUMBER Z2009100 S (Council District 2): A request for a change in zoning from "I-2" Heavy Industrial District "R-5" Residential Single Family District to "I-2 S" Heavy Industrial District with a Specific Use Authorization for Petroleum Manufacturing or Processing on Lot 4, NCB 10600, 4851 Emil Street. Staff recommends approval.

Tim Miller, representative, state the purpose of this request is to allow for a fuel storage and distribution facility. He stated they currently a petroleum storage and fuel distribution facility. He stated they supply gasoline and diesel fuel for transportation.

The following citizen(s) appeared to speak:

Richard Imming, spoke in opposition.

Staff stated there were 19 notices mailed out to the surrounding property owners, 0 returned in opposition and 1 returned in favor. Staff mailed 26 notices to the Planning Team.

COMMISSION ACTION

The motion was made by Commissioner Hawkins and seconded by Commissioner Wright to recommend approval.

AYES: Gadberry, McFarland, Hawkins, Wright, Martinez, Gray

NAY: None

THE MOTION CARRIED

16. Briefing on Phase 1 of the Nogalitos/Zarzamora Comprehensive Rezoning Case.

Micah Diaz, Planner, presented item.

17. ADJOURNMENT

There being no further business, the meeting was adjourned at 4:03 p.m.

APPROVED:



Don Gadberry, Chairman

ATTEST:


Executive Secretary